

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN L. LOTTER,

Petitioner,

V.

SCOTT FRAKES, Director,
Nebraska Department of Correctional
Institutions,

Respondent.

4:04CV3187

MEMORANDUM AND ORDER

This death penalty case has been proceeding under the clemency and ancillary proceedings provisions of [18 U.S.C. § 3599\(e\)](#) since January 22, 2014. I have reviewed the Status Report (filing no. [143](#)) submitted by counsel for Lotter on October 3, 2016. After careful consideration, I have come to the conclusion that counsel should be allowed to continue with their representation of Lotter, but that a firm deadline should now be set. Therefore,

IT IS ORDERED that the appointment of counsel will automatically terminate on Monday, June 5, 2017, unless prior to that date separate clemency or separate ancillary proceedings have been commenced by counsel and proof thereof has been provided herein. The Clerk shall provide Chief Judge Riley with a copy of this Memorandum and Order.

DATED this 5th day of October, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge